

BEFORE THE INVESTIGATIVE PANEL OF THE
FLORIDA JUDICIAL QUALIFICATIONS COMMISSION

INQUIRY CONCERNING A
JUDGE, NO. 00-211,
HOWARD C. BERMAN

CASE NO.: SC00-2491

RESPONSE TO MOTION FOR MORE DEFINITE STATEMENT

Comes now the Judicial Qualifications Commission of the State of Florida, by its undersigned Special Counsel, and in response to the Motion For More Definite Statement filed herein by Judge Berman, states as follows:

1. Judge Berman claims that the Amended Notice is “unclear.” However, the Amended Notice is quite specific and is based upon the extremely detailed deposition of Deputy Sheriff Lisa Ferreira taken by Judge Berman’s counsel on March 7, 2001. Judge Berman was present at that deposition.

2. While the conduct of Judge Berman which is detailed in Paragraphs 22 through 24 of the Amended Charges occurred in a private establishment, Gold’s Gym, Judge Berman knew Deputy Ferreira because of her employment by the Palm Beach County Sheriff. He is and was a sitting judge assigned to the criminal division of the West Palm Beach County Courts.

3. By engaging in speech, gestures, and other conduct described in the Amended Charges, Judge Berman violated Canons 1, 2, and 3 of the Code of Judicial Conduct, as alleged. Specifically, as to Deputy Ferreira, he did not maintain high standards of conduct nor act in a manner which would promote public confidence in the integrity of the judiciary.

4. No more definitive statement is required.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been delivered by U.S.

Mail to: The Honorable James Jorgenson, Chair, Hearing Panel, Florida Judicial Qualifications Commission, Mount Vernon Square, 1110 Thomasville Road, Tallahassee, Florida 32303; Thomas C. MacDonald, Jr., Esquire, Cook, Bell & MacDonald Mediation Group, 100 N. Tampa Street, Suite 2100, Tampa, Florida 33602; Brooke Kennerly, Executive Director, Florida Judicial Qualifications Commission, Mount Vernon Square, 1110 Thomasville Road, Tallahassee, Florida 32303; John R. Beraneck, Esquire, Ausley & McMullen, 227 S. Calhoun Street, Tallahassee, Florida 32301; Sydney A. Stubbs, Esquire, Jones, Foster, Johnston & Stubbs, P.A., 505 S. Flagler Drive, Suite 1100, West Palm Beach, FL 33402-3475; Bettye J. King, Esquire, 625 North Flagler Drive, Suite 501, West Palm Beach, Florida 33481; and to Scott N. Richardson, Esquire, Atterbury, Goldberger and Richardson, 250 Australian Avenue South, Suite 1400, West Palm Beach, Florida 33401-5015, this _____ day of August, 2001.

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